



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

BTK  
F. #2022R00347

*610 Federal Plaza  
Central Islip, New York 11722*

September 19, 2024

By ECF

The Honorable Nusrat J. Choudhury  
United States District Court  
100 Federal Plaza  
Central Islip, NY 11722

Re: United States v. Carmine G. Agnello  
24-CR-366 (NJC)

Dear Judge Choudhury:

Pursuant to Federal Rule of Criminal Procedure 36, with the defendant's consent and following consultation with the Clerk's Office, the government moves to amend the previously filed Notice of Motion, Information Sheet and the Docket in the above-captioned case to set forth the defendant's name as "CARMINE G. AGNELLO." This name will be reflected on the Information that will be filed in this case on September 26, 2024. The failure to include the defendant's middle initial, which will assist in better identifying him and avoiding confusion with another defendant, who was previously charged



in an unrelated federal prosecution, was an inadvertent oversight that can be corrected “at any time” under Federal Rule of Criminal Procedure 36. See Fed. R. Crim. P. 36 (“[T]he court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.”); United States v. Jacques, 6 F.4th 337, 341 (2d Cir. 2021) (citing Marmolejos v. United States, 789 F.3d 66, 68 (2d Cir. 2015) and explaining that under Rule 36 correctable “[c]lerical errors include such mistakes as . . . the misspelling of the defendant's name.”).

Revised copies of the Notice of Motion and Information Sheet are attached.  
Thank you for consideration of this request.

Respectfully submitted,

BREON PEACE  
United States Attorney

By: /s/Bradley T. King  
Bradley T. King  
Assistant U.S. Attorney  
(631) 715-7875

Attachments

cc: James Frocarro, Esq. (by ECF and E-mail)